

Senate Amendment 5150

PAG LIN

1 1 Amend Senate File 2378 as follows:
1 2 #1. Page 6, by striking lines 1 and 2 and
1 3 inserting the following: <more than five hundred
1 4 dollars ~~not~~ and not less than one hundred dollars.
1 5 However, if a member of a governmental body knowingly
1 6 participated in such a violation, damages shall be in
1 7 the amount of not more than two thousand five hundred
1 8 dollars and not less than one thousand dollars. These
1 9 damages shall be>.
1 10 #2. Page 6, line 16, by inserting after the word
1 11 <body> the following: <given in writing, or as
1 12 memorialized in the minutes of the meeting at which a
1 13 formal oral opinion was given>.
1 14 #3. Page 6, by inserting after line 25 the
1 15 following:
1 16 <Sec. _____. NEW SECTION. 22.0A PURPOSE.
1 17 The purpose of this chapter is to provide as much
1 18 transparency in government operations as possible
1 19 consistent with the need to avoid undue invasions of
1 20 personal privacy and the need to avoid significant
1 21 interference with the achievement of other important
1 22 and legitimate state objectives.>
1 23 #4. Page 9, line 25, by inserting after the word
1 24 <cause> the following: <in responding to a request to
1 25 examine or copy a record the lawful custodian knows is
1 26 a public record>.
1 27 #5. Page 9, line 34, by inserting after the word
1 28 <request> the following: <unless further delay is
1 29 necessary because of a pending request by the lawful
1 30 custodian to the Iowa public information board for an
1 31 opinion regarding the status of the record requested,
1 32 or other good cause, which is communicated in writing
1 33 to the requester>.
1 34 #6. Page 10, by inserting after line 16 the
1 35 following:
1 36 <Sec. _____. Section 22.3, subsection 2, Code 2007,
1 37 is amended to read as follows:
1 38 2. All expenses of the examination and copying
1 39 shall be paid by the person desiring to examine or
1 40 copy. The lawful custodian may charge a reasonable
1 41 fee for the services of the lawful custodian or the
1 42 custodian's authorized designee in supervising the
1 43 examination and copying of the records or in reviewing
1 44 the records for optional public record information or
1 45 for confidential record information prior to release.
1 46 The lawful custodian shall provide such services at no
1 47 charge to a requester for up to three hours per month.
1 48 If copy equipment is available at the office of the
1 49 lawful custodian of any public records, the lawful
1 50 custodian shall provide any person a reasonable number
2 1 of copies of any public record in the custody of the
2 2 office upon the payment of a fee. The fee for the
2 3 copying service as determined by the lawful custodian
2 4 shall not exceed the actual cost of providing the
2 5 service. Actual costs shall include only those
2 6 expenses directly attributable to supervising the
2 7 examination of and making and providing copies of
2 8 public records. Actual costs shall not include
2 9 charges for ordinary expenses or costs such as
2 10 employment benefits, depreciation, maintenance,
2 11 electricity, or insurance associated with the
2 12 administration of the office of the lawful custodian.>
2 13 #7. Page 10, by inserting after line 28 the
2 14 following:
2 15 <Sec. _____. Section 22.7, subsection 7, Code
2 16 Supplement 2007, is amended to read as follows:
2 17 7. Appraisals or appraisal information concerning
2 18 the purchase of real or personal property for public
2 19 purposes, prior to ~~public announcement of a project~~
2 20 the submission of the appraisal to the property owner
2 21 or other interest holders as provided in section
2 22 6B.45.>
2 23 #8. Page 10, line 33, by inserting after the
2 24 figure <11.> the following: <a.>

2 25 #9. Page 11, by striking line 5 and inserting the
2 26 following:
2 27 <(1) The name and compensation of the individual
2 28 including any written agreement establishing
2 29 compensation or any other terms of employment
2 30 excluding any information otherwise excludable from
2 31 public information pursuant to this section or any
2 32 other applicable provision of law. For>.

2 33 #10. Page 11, line 14, by striking the word <b.>
2 34 and inserting the following: <(2)>.
2 35 #11. Page 11, line 16, by striking the word <c.>
2 36 and inserting the following: <(3)>.
2 37 #12. Page 11, line 18, by striking the word <d.>
2 38 and inserting the following: <(4)>.
2 39 #13. Page 11, line 21, by striking the word <e.>
2 40 and inserting the following: <(5)>.
2 41 #14. Page 11, by striking lines 22 and 23 and
2 42 inserting the following: <individual that resulted in
2 43 the individual's discharge.

2 44 b. Personal information in confidential personnel
2 45 records of government bodies relating to student
2 46 employees shall only be released pursuant to 20 U.S.C.
2 47 } 1232g.>

2 48 #15. Page 16, line 8, by striking the word
2 49 <final>.

2 50 #16. Page 16, by striking line 10 and inserting
3 1 the following: <the form in which it is submitted for
3 2 use or used in the actual>.

3 3 #17. Page 16, line 18, by striking the word
3 4 <Records> and inserting the following: <Information
3 5 in records>.

3 6 #18. Page 16, line 19, by striking the words
3 7 <containing information>.

3 8 #19. Page 17, by striking lines 31 through 33 and
3 9 inserting the following: <violation damages in the
3 10 amount of not more than five hundred dollars ~~nor and~~
3 11 not less than one hundred dollars. However, if a
3 12 member of a governmental body knowingly participated
3 13 in such a violation, damages shall be in the amount of
3 14 not more than two thousand five hundred dollars and
3 15 not less than one thousand dollars. These damages
3 16 shall be paid by the court>.

3 17 #20. Page 19, by striking lines 5 through 11 and
3 18 inserting the following: <government body and another
3 19 person or entity shall be filed with the government
3 20 body. For each such settlement agreement, the
3 21 government body shall prepare and file, together with
3 22 the settlement agreement, a brief summary indicating
3 23 the identity of the parties involved, the nature of
3 24 the dispute, any underlying relevant facts, and the
3 25 terms of the settlement. The settlement agreement and
3 26 summary shall be available for public inspection.>

3 27 #21. Page 19, by inserting after line 25 the
3 28 following:
3 29 <Sec. ____ . NEW SECTION. 22.15 JUDICIAL BRANCH ==
3 30 RULES.

3 31 This chapter does not apply to government records
3 32 owned, created, possessed, or under the control of the
3 33 judicial branch related to the performance by the
3 34 courts of their judicial functions. The supreme court
3 35 shall prescribe rules governing access to such records
3 36 consistent with the purposes of this chapter.>

3 37 #22. Page 19, line 30, by inserting after the
3 38 figure <22> the following: <through the provision by
3 39 the Iowa public information board to all interested
3 40 parties of an efficient, informal, and cost-effective
3 41 process for resolving disputes>.

3 42 #23. Page 21, line 21, by inserting after the word
3 43 <respondent> the following: <or person requesting
3 44 access to the record which is the subject of the
3 45 request for injunction>.

3 46 #24. Page 22, line 9, by inserting after the word
3 47 <situations> the following: <and issue informal
3 48 advice to any person concerning the applicability of
3 49 chapters 21 and 22>.

3 50 #25. Page 24, by striking line 28 and inserting
4 1 the following: <its jurisdiction, is legally
4 2 insufficient, is frivolous, is without merit, involves
4 3 harmless error,>.

4 4 #26. Page 25, by striking lines 2 through 6 and
4 5 inserting the following:

4 6 <1. After accepting a complaint, the board shall
4 7 promptly work with the parties through its employees
4 8 to reach an informal, expeditious resolution of the
4 9 complaint. If an informal resolution satisfactory to
4 10 the parties cannot be reached, the board or the
4 11 board's designee shall offer the parties an
4 12 opportunity to resolve the dispute through mediation
4 13 and settlement.>
4 14 #27. By striking page 37, line 34, through page
4 15 38, line 16.
4 16 #28. Page 40, by inserting after line 25 the
4 17 following:
4 18 <Sec. _____. APPLICABILITY. The section of this Act
4 19 enacting section 22.7, subsection 61, relating to
4 20 information invading personal privacy, applies to all
4 21 records created on or after the effective date of that
4 22 section of this Act.>
4 23 #29. By renumbering as necessary.
4 24
4 25
4 26 _____
4 27 MICHAEL CONNOLLY
4 28 SF 2378.717 82
4 29 rh/rj/11280